

Committee on Resources

Witness Testimony

Testimony of David Guernsey
Before House Resources Committee
re: HR 588 hearing, June 10, 1997

I am currently the President of the Sugarloaf Area Chamber of Commerce in northwestern Maine, though I am submitting this testimony for myself only. Our region hosts several miles of the Appalachian Trail. I am thus fully cognizant of the positive economic impact which hiking trails can have on our tourist economy. Unfortunately the administration of the Appalachian Trail under the National Park Service has had many adverse effects. Rural communities have suffered loss of economic opportunity, and individuals have endured serious abuse of their legitimate property rights. Such Park Service actions have made landowners gun shy to the point where local organizations can have difficulty securing permission to use private land for local trail facilities.

The Appalachian Trail was first established through voluntary private agreements between landowners and private hiking organizations. It was then and remains an example of how such endeavors should be approached. When the government got involved through the National Trails Act, however, things changed drastically. Voluntary agreements became conscripted rights. Cooperative ventures became coercive programs. Landowners and local communities which had embraced the Trail found themselves powerless to prevent almost tyrannical subversion of their legitimate interests.

The Williams camp, for example, was 900 feet off the Appalachian Trail near Church Pond, west of Millinocket, Maine. The owners had for years allowed trail maintenance crews to use the camp free of charge. Then the National Park Service demanded the owners sell under threat of condemnation, even though the camp was barely visible from the trail and even though a minor trail relocation would have placed the camp outside the 1000 foot buffer strip. The owners were forced to capitulate - another "willing seller" transaction. The loss of such private camps to their owners is matched by the loss of their economic benefit to local communities. Such economic loss is far greater than any economic benefit flowing from the formalized trail, yet local communities have no say in Park Service actions.

Saddleback Ski Area, in the northwestern Maine community of Rangeley, had struggled since its inception in the 1950s. In 1985 a substantial Massachusetts businessman purchased the enterprise, planning an expansion which would insure its financial viability. After he had secured the necessary state and local permits, the National Park Service demanded protection for the Appalachian Trail, though the trail and the ski area had existed harmoniously since the area's construction. The new owner offered to donate the easement required by law, some 300 acres. The Park Service demanded 3000 acres to cover viewsheds and the like, which would have thwarted expansion plans. A resolution of the Maine Legislature asking the Park Service to accept the easement offer and "to reach a speedy, reasonable, and fair settlement" has been all but ignored. The owner has thrown in the towel and put the area up for sale. Twelve years fighting the Park Service is enough for anyone.

This owner represented a substantial economic asset to Rangeley. Replacing him will be next to impossible. The Rangeley Town Manager recently complained to the Park Service:

"One must stop and ask oneself if in the process of protecting our environment did we somehow lose sight of the importance of protecting our individual rights?" "To stymie the expansion of this facility under the cloak of protectionism alone is to promote ignorance."

There was no need for this outrage. The attached article shows how hiking trails and ski areas are not only compatible, but can actually support one another. One can only speculate what sort of hidden agenda or back room deal between the Park Service and environmental consortia led to such an abuse of individual and local community rights.

The America Discovery Trail promoters have done a truly admirable job in assembling the necessary land use agreements. They are now at a crossroads. If you enact the National Discovery Trails Act as currently drafted, you will most certainly encourage the Park Service to push their authority in ways you never intended. The result will be the same sort of abuse of individual and local community rights as has plagued the Appalachian Trail. A side effect will be increasing rancor between trail users and the inhabitants of such communities. I urge you to consider as an alternative the sort of Resolution suggested by Mr. Theis in his testimony.

I am especially concerned with the proposal to give administrative and planning authority over trails to non profit environmental organizations. Such organizations have shown themselves to be openly contemptuous of the needs and rights of local communities and their constituent landowners. Giving them the powers contemplated by the Act would be like giving the fox a government contract to design a hen house, then hiring him to guard it.

Thank you for the opportunity to submit this testimony.

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